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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,253	09/26/2003	Jeyhan Karaoguz	15025US02	8824
23446 7590 01/25/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER JEAN, FRANTZ B	
			ART UNIT 2154	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/672,253

Applicant(s)

KARAOGUZ ET AL.

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

This office action is in response to applicants' response filed on 11/01/07. Claims 1-35 are pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oz et al. ("Oz") US Patent Number 7,181,759 in view of Hammett et al. hereinafter Hammett US publication number 2002/0147977 A1.

As per claim 1, Oz teaches a system supporting user defined filtering of media consumption in a media exchange network, the system comprising: a television display (fig 1, television set) supporting consumption of media via a communication network; a storage for storing media (col. 12 line 11), the storage communicatively coupled to the television display, and having an associated first network address; at least one server (fig 7, 252) supporting the consumption of media, and having an associated second network address; and server software (col. 14 lines 18-47) that receives via the communication network a request identifying one of the associated first and second network addresses, and that responds by identifying the other of the associated first and second network addresses to coordinate the consumption of media. Oz does not explicitly teach a user interface for display on the television display, the user interface

having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user, the display and consumption of each media channel subject to at least one media filter, the at least one media filter comprising characteristics of media defined by a second user. Hammett is directed to a system and method for providing user-defined media presentations from the media information by using a user interface. The user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user ... (see Hammett paragraphs 0050, 0061-0062, 0064 and 0068-0069). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hammett's user's interface features to Oz's system for enabling a user to define and present media tailored to individual preferences (par 0001). One skill artisan at the time of the invention would be motivated to do so to enable viewers to easily and efficiently locate media that they are seeking without requiring excessive bandwidth or increased operational demands at the head end (par 0007).

As per claim 2, Oz teaches a system of claim 1 wherein the media comprises at least one of audio, a still image, video, real time video, and data (col. 12 lines 24-34).

As per claim 3, Oz teaches a system of claim 1 wherein the first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (see fig 7 and 9).

As per claim 4, Oz teaches a system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (see fig 2A and 2B).

As per claim 5, Oz teaches a system of claim 4 wherein the communication network is the Internet (element 126, fig 2A).

As per claim 6, Oz teaches a system of claim 1 wherein consumption comprises at least one of playing digitized audio, displaying a still image, displaying video, and displaying data (col. 12 lines 24-41).

As per claim 7, Oz teaches a system of claim 1 wherein the characteristics of media comprise at least one of a type of media channel, a language of dialogue, an industry rating, a overall viewer rating, a mode, a video quality, a format, a bandwidth, a year of release, an artist, and one or more words of a title (col. 12 lines 6-51).

As per claim 8, Oz teaches a system of claim 1 wherein the at least one media filter supports combinations of the characteristics of media using Boolean relations (col. 6 lines 37-46, col. 7 lines 44-57; col. 8 lines 7-30; col. 12 lines 6-51).

As per claim 9, Oz teaches a system of claim 1 wherein at least one period of time for which the at least one media filter is effective is defined by at least one of the first user and the second user (col. 6 lines 37-46, col. 7 lines 44-57; col. 8 lines 7-30).

As per claim 10, Oz teaches a system of claim 1 wherein the at least one media filter may be at least one of enabled, disabled, created, deleted, and modified via the communication network (col. 6 lines 37-46; col. 29 lines 32-43).

As per claim 11, Oz inherently teaches a system of claim 1 further comprising: a remote control supporting the selection of media for consumption; and the media available for selection using the remote control being determined according to the at least one media filter (col. 12 lines 17-34).

As per claim 12, Oz teaches a system of claim 1 wherein the first user and the second user are the same user (fig 1).

Claims 13-23 contain the same limitations as discussed in claims 1-12 above. Therefore, they are rejected under the same rationale.

As per claim 24, Oz teaches one or more circuits for use in a media exchange system, the one or more circuits comprising:

At least one processor (150, fig 1) communicatively coupled to a television display (television set with display, fig 1) and to storage (col. 12 line 11) support

consumption of media, the storage having an associated first network address, the at least one processor operable to, at least:

Display, on the television display (television set with display, fig 1); send a request to server software, the request identifying one of the associated first network address and a second network address associated with at least one server that supports consumption of media by coordinating media exchange via communication network (col. 14 lines 18-47); and receive a response from the server software (fig 7, 252; col. 14 lines 18-47) the response identifying the other of the associated first and second network addresses. Oz does not explicitly teach a user interface for display on the television display, the user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user, the display and consumption of each media channel subject to at least one media filter, the at least one media filter comprising characteristics of media defined by a second user. Hammett is directed to a system and method for providing user-defined media presentations from the media information by using a user interface. The user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user ... (see Hammett paragraphs 0050, 0061-0062, 0064 and 0068-0069). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hammett's user's interface features to Oz's system for enabling a user to define and present media tailored to individual preferences (par 0001). One skill artisan at the time

of the invention would be motivated to do so to enable viewers to easily and efficiently locate media that they are seeking without requiring excessive bandwidth or increased operational demands at the head end (par 0007).

As per claims 25-34, they contain the same limitations as discussed in claims 2-12 above. Therefore, they are rejected under the same rationale.

### ***Response to Arguments***

Applicant's arguments filed 11/01/07 have been fully considered but they are not persuasive.

Applicants argued that Oz in combination with Hammett fail to teach media filter comprising characteristics defined by a second user and server software that receives request via communication network and responds by coordinating consumption of media by television display.

In response, Examiner argues that OZ in combination with Hammett teaches these features.

Claims 12, 23 and 35 defines first and second user to be the same. Hammett is directed to a system and method for providing user-defined media presentations from the media information by using a user interface. The user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user ... (see Hammett paragraphs 0050, 0061-0062, 0064 and 0068-0069). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine



Hammett's user's interface features to Oz's system for enabling a user to define and present media tailored to individual preferences (par 0001). One skill artisan at the time of the invention would be motivated to do so to enable viewers to easily and efficiently locate media that they are seeking without requiring excessive bandwidth or increased operational demands at the head end (par 0007).

In regard to server software that receives via the communication network a request, Oz discloses this feature at col. 14 lines 18-47.

Accordingly, the rejection is maintained.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**